

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS

Call to Order: By **CHAIRMAN ROD BITNEY**, on February 19, 2003 at 3:10 P.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Rod Bitney, Chairman (R)
Rep. Gary Matthews, Vice Chairman (D)
Rep. Alan Olson, Vice Chairman (R)
Rep. Dee Brown (R)
Rep. Eileen J. Carney (D)
Rep. Tim Dowell (D)
Rep. Daniel Fuchs (R)
Rep. Hal Jacobson (D)
Rep. Jeff Laszloffy (R)
Rep. Scott Mendenhall (R)
Rep. John Parker (D)
Rep. Diane Rice (R)
Rep. Brennan Ryan (D)
Rep. Jim Shockley (R)

Members Excused: None.

Members Absent: None.

Staff Present: Glenna McClure, Committee Secretary
Mary Vandembosch, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB608, 2/17/2003; HB 561, 2/17/2003
Executive Action: HB 509; HB 356; HB 470; HB 498; HB 561; HB 608; HB 483

HEARING ON HB 608

Sponsor: REPRESENTATIVE JONATHAN WINDY BOY, HD 92

Opening Statement by Sponsor:

{Tape: 1; Side: A; Approx. Time Counter: 2.6 - 17}

REP. WINDY BOY distributed a packet of information that included his opening statement.

EXHIBIT (feh37a01)

Proponents' Testimony:

{Tape: 1; Side: A; Approx. Time Counter: 17 - Tape:1; Side: B; 1.0}

Greg Jergeson, Public Service Commission, District 1, said that he was appearing on his own behalf as a proponent of this bill. He urged the committee to support this bill.

Jeff Weldon, Legal Counsel for State Superintendent Linda McCulloch, Office of Public Instruction (OPI), said that the Superintendent agrees with intent stated on the first page of this bill. He distributed a statement from Linda McCulloch.

EXHIBIT (feh37a02)

REP. DAVID E. WANZENRIED, HD 68, said that he gives his wholehearted support of this bill.

Gail Gray, Department of Public Health and Human Services (DPHHS), said that she appears as a proponent for HB 608 as amended. The commitment to coordination, collaboration, cooperation, the commitment to mutual understanding and respect, regular and early communications, to a process of accountability in directing issues and to the preservation of Tribal/State relationships are guiding principles that are laudable. DPHHS believes that we need better communication and better relationships with the Tribes. Although there were many cuts in the DPHHS budget, they did not cut the Native American Advisory Council.

Toni Plummer-Alvernaz, said that she was here on behalf of the Tribes. She said that she has been involved with Tribal policy for 10 to 15 years. She said that she has watched the Tribal and State Governments try to come together to solve common problems.

She said that there are seven different Tribes in Montana. Currently the input of the Tribes is in an Advisory capacity only. This is very different from sitting across the table from state officials and developing policy together. The Indian population represents seven percent of the entire State's population and are recipients of over half of the public assistant budget. This bill provides a quorum for a partnership. Tribal governments want to be partners with State Government.

Lori Ryan, Governor's Office of Indian Affairs, said that she also agrees with the bill and amendments.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

{Tape: 1; Side: B; Approx. Time Counter: 1 - 20.9}

REP. LASZLOFFY referred to Page 2, Line 18 of the bill. He asked the sponsor if the intent of the bill is for the Governor to meet with Chiefs of Tribes.

REP. WINDY BOY said that not only the Governor, but other State officials.

REP. LASZLOFFY asked if he also agreed that the meetings would be with counterpart to counterpart between the State agencies and the Tribes.

REP. WINDY BOY said, "Yes."

REP. LASZLOFFY referred to Section 5, Lines 13-16 and asked if the training would be required once a year.

REP. WINDY BOY said that the intent is for State officials to observe life on the reservation.

REP. BROWN asked Gail Gray about the funding that goes to the Tribes.

Gail Gray said that the State pays a variety of benefits, such as Medicaid, Cash Assistance Benefits, and Child Care Benefits. There are people on the reservations who are in desperate need of assistance.

REP. BROWN asked about Block Grants to the tribes.

Gail Gray said that the Tribes are receiving Block Grants and are doing a good job of distribution.

REP. RICE asked for some clarification of wording in the bill. She asked if each state agency would be required to write a report yearly.

REP. WINDY BOY said, "Yes." He said that the intent is to find a common ground. This could be a demonstration project for two years to see how it works.

REP. LASZLOFFY asked Ms. Plummer to explain Page 2, Line 7, Number 4 of the guiding principles.

Tony Plummer-Alvernaz said that currently there is no mechanism for resolution of huge issues. This part of the bill provides for the recognition and development of a process of accountability and a process to address these issues that will be based on communication and collaboration.

REP. BROWN asked if the Governor would be required to go to each reservation every quarter.

REP. WINDY BOY said, "Yes." He said that she did make a visit to each of the reservations during her first year in office.

Tony Plummer-Alvernaz said that the intent is for Tribal Chairmen from each reservation to convene a full day in Helena with the Director's of Departments to address their specific policy concerns.

REP. BROWN asked if these quarterly meetings would be in Helena.

Tony Plummer-Alvernaz said, "Yes."

REP. DOWELL asked if the Governor was on board with this bill.

Gail Gray said, "Yes."

Closing by Sponsor:

{Tape: 1; Side: B; Approx. Time Counter: 20.9 - 24.4}

REP. WINDY BOY said that he came to Helena two years ago as a Tribal Leader. He was amazed at how State Government works. He said that whatever works is what he supports. He said that they want to help with solutions together. He said that there are

ways to get around the problems and he encouraged the committee to recommend a do pass.

HEARING ON HB 561

Note: CHAIRMAN BITNEY handed the gavel over to VICE CHAIRMAN OLSON for the hearing of HB 561.

Sponsor: REPRESENTATIVE ROD BITNEY, HD 77

Opening Statement by Sponsor:

{Tape: 1; Side: B; Approx. Time Counter: 24.4 - 30}

REP. BITNEY said that he sponsored HB 561 at the request of the Public Service Commission (PSC). He said that the PSC fee statute 69-1-114 requires that all fees charged by the Commission be commensurate with the costs incurred. The application fee for motor carrier authority is presently \$100. This fee covers the cost of reviewing and noticing an application. It would not cover the cost of a hearing if one is needed. Based on the applications received in the past year, to be commensurate with cost, the fee would have to be in excess of the \$500 limit allowed for in statute. It is the opinion of the PSC that increasing the application fee to \$500 may deter someone from requesting an application to provide transportation services, especially in the transportation of passengers in rural areas. HB 561 would insert the word "reasonable" instead of "commensurate costs incurred."

Proponents' Testimony:

{Tape: 2; Side: A; Approx. Time Counter: 0.1 - 2.7}

Greg Jergeson, Public Service Commission (PSC), said that he was here in support of this bill. He said that he agreed with REP. BITNEY.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

{Tape: 2; Side: A; Approx. Time Counter: 2.7 - 3.8}

REP. BITNEY thanked the committee for a good hearing and asked that the committee give a do pass recommendation.

EXECUTIVE ACTION ON HB 509

{Tape: 2; Side: A; Approx. Time Counter: 3.8 - Tape: 2; Side: B; 7.4}

Motion: **REP. SHOCKLEY** moved that HB 509 DO PASS.

Motion: **REP. OLSON** moved that HB 509 BE AMENDED.

EXHIBIT(feh37a03)

Discussion:

Mary Vandenbosch, staff person, explained the amendments.

There was some discussion regarding the amendments. The main concern was if the amendments changed the intent of the bill.

REP. OLSON indicated that it did not.

REP. MENDENHALL said that this is a large bill and he is unsure how it relates to HB 474. He said that he feels uncomfortable voting for a bill that he does not understand.

Vote: **Motion that HB 509 BE AMENDED carried 12-2 with REPS. MENDENHALL and RICE voting no.**

There was some discussion regarding HB 509 amendments with Will Rosquist of the Public Services Commission distributing a copy of the amendments that were proposed by the Northwest Power Planning Commission.

EXHIBIT(feh37a04)

Motion/Vote: **REP. OLSON** moved that HB 509 DO PASS AS AMENDED.
Motion carried 13-1 with REP. MENDENHALL voting no.

EXECUTIVE ACTION ON HB 356

{Tape: 2; Side: B; Approx. Time Counter: 7.4 - 15.4}

Motion: REP. BROWN moved that HB 356 DO PASS.

Discussion:

There was some discussion on putting all of the bills regarding USB in subcommittee to come up with some direction.

CHAIRMAN BITNEY indicated that, with the time constraint, he could not recommend placing these bills with a subcommittee.

Mary Vandenbosch explained the various USB bills.

Note: REP. OLSON left to testify at another hearing.

Motion/Vote: REP. LASZLOFFY moved that HB 356 BE TABLED. Motion carried 11-3 with REPS. CARNEY, DOWELL, and RYAN voting no. REP. OLSON voted by proxy.

EXECUTIVE ACTION ON HB 470

{Tape: 2; Side: B; Approx. Time Counter: 15.4 - 16.4}

Motion: REP. SHOCKLEY moved that HB 470 DO PASS.

Substitute Motion/Vote: REP. MENDENHALL made a substitute motion that HB 470 BE TABLED. Substitute motion carried 11-3 with REPS. CARNEY, DOWELL, and RYAN voting no. REP. OLSON voted by proxy.

EXECUTIVE ACTION ON HB 498

{Tape: 2; Side: B; Approx. Time Counter: 16.4 - 17.6}

Motion: REP. RICE moved that HB 498 DO PASS.

Substitute Motion/Vote: REP. LASZLOFFY made a substitute motion that HB 498 BE TABLED. Substitute motion carried 9-5 with REPS. CARNEY, DOWELL, JACOBSON, PARKER, and RYAN voting no. REP. OLSON voted by proxy.

EXECUTIVE ACTION ON HB 561

{Tape: 2; Side: B; Approx. Time Counter: 17.6 - 18.3}

Motion/Vote: REP. BITNEY moved that HB 561 DO PASS. Motion carried unanimously. REP. OLSON voted by proxy.

There was a suggestion to put this bill on the consent calendar. All were in agreement.

Note: REP. OLSON returned to the meeting.

EXECUTIVE ACTION ON HB 608

{Tape: 2; Side: B; Approx. Time Counter: 18.3 - 30}

Motion: REP. DOWELL moved that HB 608 DO PASS.

Motion: REP. LASZLOFFY moved that HB 608 BE AMENDED.

Discussion:

Mary Vandenbosch explained the amendments as follows:

Page 2, Line 3, following "have", insert "direct".

Page 2, Line 7, insert "of", to read "a process of accountability."

Page 2, Line 18, following "officials", insert "including Chief and Tribal Chairman."

Page 2, Line 19, following the first "that", insert "directly."

Page 3, Line 2, following "program staff", insert "directly."

Vote: Motion that HB 608 BE AMENDED carried unanimously.

Motion/Vote: REP. MATTHEWS moved a conceptual amendment to HB 608 as follows: On Page 2, Line 11, put a period after "sovereignty" and strike "and honor tribal treaty and other rights." Motion carried unanimously.

Discussion:

REP. LASZLOFFY said that this bill is a good idea. He said having open dialogue with peers in Tribes and State agencies is a good idea.

Motion/Vote: REP. MATTHEWS moved that HB 608 DO PASS AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON HB 483

{Tape: 3; Side: A; Approx. Time Counter: 0.1 - 28.9}

Motion: REP. CARNEY moved that HB 483 DO PASS.

Motion: REP. CARNEY moved that HB 483 BE AMENDED.

EXHIBIT(feh37a05)

Discussion: There was much discussion regarding the bill and amendments.

Mary Vandebosch explained the amendments.

Vote: Motion that HB 483 BE AMENDED carried 12-2 with REPS. BROWN and LASZLOFFY voting no.

Motion: REP. SHOCKLEY moved that HB 483 DO PASS AS AMENDED.

Discussion:

REP. MATTHEWS asked John Alke to distribute a sample of fliers that have been distributed with utility bills.

REP. BROWN objected. She said that there needs to be conflict resolution between the PSC and the companies.

REP. MATTHEWS said that the service agreement part of the bill has been removed through amendments. He said that he planned on voting against this bill. He said that they like MDU in his part of the country.

There was additional discussion on the bill.

Vote: Motion that HB 483 DO PASS AS AMENDED failed 4-10 with REPS. CARNEY, DOWELL, FUCHS, and PARKER voting aye by roll call vote.

Motion: REP. OLSON moved that HB 483 BE TABLED AND THE VOTE REVERSED. Motion carried without objection.

ADJOURNMENT

Adjournment: 5:35 P.M.

REP. ROD BITNEY, Chairman

GLENNA MCCLURE, Secretary

RB/GM

EXHIBIT (feh37aad)